IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29112 of 2007(N)

PETITIONER:

E.AMINABI, D/O. KUNHALAN,
ERIYADAN HOUSE, CHANGUVETTI, EDARIKKODE P.O.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, TIRUR.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KOTTAKKAL.

4. THE SUB ENGINEER,
ELECTRICAL SECTION, KOTTAKKAL.

BY ADV. SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.29112 OF 2007

Dated this the 3rd day of October, 2007

JUDGMENT

Learned counsel for the petitioner submits that though entire amount due under the disputed bill has been paid, the appellate authority has failed to entertain the appeal filed against the impugned demand with application to condone delay.

2. Learned standing counsel for KSEB is right in pointing out that there is no statutory provision enabling condonation of delay. The amount demanded from the petitioner is Rs.2,00,876/-, which is stated to have been paid.

Having regard to the statement and the plea of the petitioner that he was away from the State of Kerala and therefore, incapacitated from filing the appeal in time, this writ petition is disposed of directing that if the amount covered by the bill has been paid and if the petitioner pays an amount of Rs.2,000/- to the Board as costs within a period of two weeks, the

second respondent will take up Ext.P1 appeal and consider and dispose of the same in accordance with law, after affording the petitioner an opportunity of being heard.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.